

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE**

DAVINA TREADWELL, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )      Case No. CT-002343-09  
                        )  
AMERICAN AIRLINES, INC., )  
                        )  
Defendant.           )

**NOTICE OF REMOVAL**

Defendant American Airlines, Inc. (“American”) hereby notifies the Court and the parties that it is removing this action to the United States District Court for the Western District of Tennessee pursuant to 28 U.S.C. §§ 1332 and 1441 *et seq.* American respectfully shows the Court as follows:

1. Plaintiff Davina Treadwell commenced this action on May 13, 2009 in the Circuit Court of Shelby County, State of Tennessee for the Thirtieth Judicial District at Memphis, styled *Davina Treadwell v. American Airlines, Inc.*, Case No. CT-002343-09 (“State Court Action”).
2. On May 22, 2009, Plaintiff served American a copy of the Complaint and Summons through its registered agent, CT Corporation System in Knoxville, Tennessee. True and correct copies of these documents are attached hereto as Exhibit A. American has not received any additional pleadings, orders or other papers in the State Court Action.
3. This Notice of Removal is being filed within thirty (30) days after receipt by American of a copy of the Complaint and Summons, and accordingly, is timely filed under 28 U.S.C. § 1446(b).

4. This Court has original jurisdiction over this action based upon diversity of citizenship pursuant to 28 U.S.C. § 1332(a), and the action is removable pursuant to 28 U.S.C. § 1441(a).

5. There is complete diversity of citizenship among the parties.

6. The only defendant in the State Court Action, American, is a corporation that is incorporated in the State of Delaware, and has its principal place of business in Fort Worth, Texas.

7. Upon information and belief, the only plaintiff in the State Court Action, Davina Treadwell, is a citizen of the State of Tennessee.

8. Plaintiff alleges that American discriminated against Plaintiff based on her race and breached an employment agreement with her. The amount in controversy, while not expressly set forth in the Complaint, exceeds \$75,000, exclusive of costs and interest, in that Plaintiff seeks compensatory damages, back pay, forward pay, retirement benefits, vacation pay, and compensatory damages for emotional distress, pain and suffering. (*See*, Complaint at p. 5).

9. As a result of the damages available to the Plaintiff, Plaintiff's claim is in excess of \$75,000 and, therefore, satisfies the jurisdictional amount.

10. Contemporaneously herewith, written notice of this Notice of Removal will be served on all parties to this action, and a copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Shelby County, Tennessee, which shall effect the removal, and said state court shall proceed no further unless and until the case is remanded, as provided by law. A copy of that notice is attached hereto as Exhibit B.

11. A Civil Cover Sheet is attached hereto as Exhibit C.

WHEREFORE, Defendant American Airlines, Inc., by counsel, hereby removes the

above-captioned case now pending in the Circuit Court of Shelby County, Tennessee to the United States District Court for the Western District of Tennessee.

Respectfully submitted,

s/Kristy L. Gunn

Kristy L. Gunn (TN BPR # 022821)  
Thomas L. Henderson (TN BPR # 11526)  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
6410 Poplar Avenue, Suite 300  
Memphis, TN 38119  
(901) 767-6160 (telephone)  
(901) 767-7411 (facsimile)

**CERTIFICATE OF SERVICE**

I, Kristy L. Gunn, hereby certify that on the 15<sup>th</sup> day of June, 2009, I mailed true and correct copies of the above and foregoing instrument to:

Alan G. Crone, Esq.  
Edgar Davison, Esq.  
Crone & mason, PLC  
5100 Poplar Avenue, Suite 3200  
Memphis, Tennessee 38137

by depositing said copies in the United States mail with proper postage prepaid thereon.

s/Kristy L. Gunn